

CHAPTER 20.96

ENFORCEMENT

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20.96.010 Responsibility for Enforcement

All departments, official and public employees of the City of Newport Beach, vested with the duty or authority to issue permits or licenses shall conform to the provisions of this code and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this code; and any such permit or license issued in conflict with the provisions of this code shall be null and void. It shall be the duty of the Building Inspector to enforce the provisions of this code pertaining to the creation, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

20.96.020 Penalty for Violations

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred Dollars (\$300) or by imprisonment in the County Jail or the City Jail for a term not exceeding 150 days, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this code is committed or continued by such person, firm or corporation and shall be punishable as herein provided.

20.96.030 Declaration of Nuisance; Abatement

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this code, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this code, shall be and the same is hereby declared to be unlawful and a public nuisance; and the City Attorney shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and

shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining, or using any such building contrary to the provisions of this code.

20.96.040 Revocation of Discretionary Permits

- A. Duties of the Planning Director. Upon the determination by the Planning Director that there are reasonable grounds for revocation of a use permit, variance, site plan review, modification permit, or other discretionary approval authorized by this code, a revocation hearing shall be set by the Planning Director, the Zoning Administrator, the Planning Commission, or the City Council, whichever took final previous action on the permit, except for appeals.
- B. Notice and Public Hearing. Notice shall be given in the same manner required for a public hearing to consider approval. If no notice is required for the permit, none shall be required for the revocation hearing, provided that notice shall be mailed to the applicant at least 10 days prior to the hearing.
- C. Contents of Notice. The notice of public hearing shall contain:
 - 1. A description of the location of the project site and the purpose of the hearing;
 - 2. A statement of the time, place, and purpose of the public hearing;
 - 3. A statement that any interested person or authorized agent may appear and be heard.
- D. Hearing. The person or body conducting the hearing shall hear testimony of City staff and the applicant, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional notice.
- E. Required Findings. The person or body conducting the hearing shall revoke the permit upon making one or more of the following findings:
 - 1. That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
 - 2. That the applicant has made a false or misleading statement of a material fact, or an omission of a material fact in the application for the permit.
 - 3. That the terms of conditions of approval of the permit have been violated or that other laws or regulations have been violated;

4. That there has been a discontinuance of the exercise or the entitlement granted by the permit for one hundred eighty (180) consecutive days.
- F. Decision and Notice. Within 10 days of the conclusion of the hearing, the person or body that conducted the hearing shall render a decision, and shall mail notice of the decision to the applicant.
- G. Effective Date. The decision to revoke a discretionary permit shall become final 10 days after the date of decision, unless appealed.
- H. Rights of Appeal. Appeals shall be as prescribed by Chapter 20.95: Appeals.

20.96.050 Effect of Remedies

The remedies provided for herein are cumulative and not restrictive.